IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4435 OF 2004

Smt. Hirabai Tayappa Metkari ..Applicant.

V/s.

The State of Maharashtra .. Respondent.

Shri S.A. Ingawale for Applicant.
Shri S. R. Shinde, APP for Respondent-State.

CORAM : A.M.KHANWILKAR, J.
DATED : 25.10.2004

PC :-

. Heard the learned counsel for the parties.

. I find no reason to depart from the apprehension expressed by the court below in rejecting the prayer for release of the accused at the instance of the present applicant. Court below has rightly noted that having history of mental illness of the accused, it would not be safe and proper to enlarge him on bail on the undertaking of his mother. Court below has then directed the appropriate authority to refer the case of the accused to mental hospital for proper care and institutional treatment. The approach adopted by the court below is permissible under

section 330 of the Code, which provides that the court should be satisfied that the concerned person will be properly taken care of and shall be prevented from causing injury to himself or to any other persons. Accordingly, this applciation is rejected. However, the respondent state is directed to ensure that the proper medical aid is provided to the accused as per the advise of the doctors of the Government Hospital.

. In addition, the trial court is directed to expedite hearing of the case and to ensure early disposal of the trial, the case be assigned to fast track court, if already not assigned.

. Order accordingly.

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